

Attorney Docket No.: 5784.210-US
USSN: 09/671,461
Filed: 09/27/2000
Inventor: Arne Staby
Express Mail Label No.: EV 450789383 US

REMARKS

Entry of the presently filed Amendment is requested. Applicant respectfully requests that the Amendment After Final filed December 15, 2004 not be entered.

Claims 2, 4, 6 and 11-25 are pending following entry of the present amendments.

The amendment to claims 2 and 4 to add the phrase "without an intervening step" between step a) and step b) finds support inter alia in the Examples which disclose methods of the invention in which there is no intervening step between steps a) and b). Added claims 16-25 find support inter alia in the originally filed claims.

Rejections Of The Claims Under 35 U.S.C. 112, Second Paragraph

In the June 15, 2004 Office Action, the Examiner rejected claims 6, 11, 12 and 15 as indefinite because:

- 1) Claims 6 and 15 depend from cancelled claim 1;
- 2) of the recitation "derivatives thereof" in claims 11 and 12; and
- 3) of the use of the term "B28IsoAsp insulin" in claim 15 as it is not clear what "IsoAsp" is.

Applicant respectfully traverses these rejections.

With respect to the first and second grounds of rejection, Applicant submits that the amendments to claims 6, 11, 12 and 15 render these rejections moot.

With respect to the third ground of rejection, Applicant submits that the term "IsoAsp" was clearly understood in the art to mean isoaspartate (see, for example, description of Figure 5 of US patent 5,273,826 entitled "Determination of isoaspartate in proteins") and that the phrase "B28IsoAsp insulin" was previously found to be clear and definite in its meaning by the Patent Office as referring to human insulin in which the amino acid at position 28 of the B chain is IsoAsp as evidenced by the inclusion of this phrase in claim 7 of the US patent 6,451,987 that issued from parent application 09/522,694.

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Accordingly, in view of the above amendments and remarks, Applicant respectfully requests withdrawal of these rejections.

Rejection Of The Claims Under 35 U.S.C. 102 (e)

In the June 15, 2004 Office Action, the Examiner rejected claims 2, 6, 11, 13 and 14 under section 102 (e) as anticipated by Korc et. al. (US 2003/0103980 A1, priority date October 16, 1998). In the January 24, 2005 Advisory Action, the Examiner stated that in the purification of the peptides glypican and syndecan, while the buffers D and F (both at pH 8.0) in Korc are separated by use of a buffer E at pH 3.5, Korc still anticipates the claimed method because the claimed method recites the method "comprising" steps a) and b) such that step E of Korc can be included in the claimed method.

In response, Applicant has amended claims 2 and 4 to make clear that there is no intervening step between steps a) and b). Applicant has also added independent claim 21 and dependent claims 22-25 which are all directed to purification of peptides other than glypican or syndecan and these claims are therefore not anticipated by Korc.

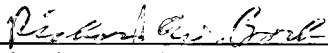
Accordingly, withdrawal of the §102 (e) rejection is therefore respectfully requested.

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In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early and favorable consideration to that end is respectfully requested

Respectfully submitted,

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